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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 MARK F. SPANGLER,

14 Defendant.

CASE NO. CR12-133-RSM

ORDER MEMORIALIZING  
ORAL RULINGS ON PENDING  
PRE-TRIAL MOTIONS

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16 After consideration of the six pending pre-trial motions in this matter, the  
17 memoranda supplied in support and in opposition, the oral argument presented, and the  
18 remainder of the record, the Court memorializes the following oral rulings issued during  
19 the October 7, 2013 hearing:

20 (1) Defendant's Motion to Strike Surplusage and Motion in Limine to Exclude  
21 Evidence (Dkt. # 59) is DENIED;

22 (2) Plaintiff's Motion to Exclude Expert Testimony, or for Pre-Trial Daubert  
23 Hearing (Dkt. # 65) is GRANTED IN PART and DENIED IN PART. The testimony of  
24

1 John Keller shall be excluded. The testimony of Peter Brous and Jennifer Johnston shall  
2 not be excluded.

3 (3) Defendant's Motion in Limine Regarding Witnesses Smith, Rutherford, and  
4 Budge (Dkt. # 66) is DENIED;

5 (4) Plaintiff's Motion in Limine (Dkt. # 68) is GRANTED;

6 (5) Defendant's Motion in Limine to Exclude Impact of Loss (Dkt. # 71) is  
7 GRANTED;

8 (6) Defendant's Motion to Allow Late Filing (Dkt. # 72) is GRANTED.  
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11 DONE this 9 day of October, 2013.

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14 RICARDO S. MARTINEZ  
15 UNITED STATES DISTRICT JUDGE  
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